MONTANA LEGISLATIVE HISTORY

Chapter 366 1999

Bill H 215 S _____ Original bill & history ✓ C

H. Committee on Fish, Wildlife & Parks		S. Committee on Fish & Game	
Hearing Date(s) 1-14	✓ C	Hearing Date(s) 3-2	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out 1-15	___ C		

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

1/06	Introduced and 1st Reading		
1/06	Referred to Judiciary		
1/19	Hearing		
1/22	Committee Executive Action--Bill Passed	18	0
1/23	Committee Report--Bill Passed		
1/26	2nd Reading Passed	91	8
1/27	3rd Reading Passed	89	10
	Transmitted to Senate		
1/28	Referred to Judiciary		
3/03	Hearing		
3/03	Committee Executive Action--Bill Concurred	8	0
3/03	Committee Report--Bill Concurred		
3/04	2nd Reading Concurred	49	1
3/05	3rd Reading Concurred	46	4
	Returned to House		
3/05	Sent to Enrolling		
3/08	Returned from Enrolling		
3/09	Signed by Speaker		
3/10	Signed by President		
3/10	Transmitted to Governor		
3/15	Signed by Governor		
3/16	Chapter Number Assigned		
	Chapter Number 62		
	Effective Date: 10/01/1999 - All Sections		

HB 215 Introduced by Ewer, et al. *LC0657 Drafter: Sternberg*

Prohibit the Use of Electronic Motion-tracking Devices While Hunting

1/06	Introduced and 1st Reading		
1/06	Referred to Fish, Wildlife, and Parks		
1/14	Hearing		
1/15	Committee Executive Action--Bill Passed as Amended	15	5
1/16	Committee Report--Bill Passed as Amended		
1/19	2nd Reading Passed	70	29
1/20	3rd Reading Passed	72	27
	Transmitted to Senate		
1/27	Referred to Fish and Game		
3/02	Hearing		
3/10	Committee Executive Action--Bill Concurred as Amended	10	2
3/10	Committee Report--Bill Concurred as Amended		
3/13	2nd Reading Concurred	47	0
3/15	3rd Reading Concurred	46	3
	Returned to House with Amendments		
4/13	2nd Reading Senate Amendments Concurred	97	0
4/14	3rd Reading Passed as Amended by Senate	84	15
4/14	Sent to Enrolling		
4/15	Returned from Enrolling		
4/16	Signed by Speaker		
4/16	Signed by President		
4/16	Transmitted to Governor		
4/20	Signed by Governor		

4/22 Chapter Number Assigned
Chapter Number 366
Effective Date: 10/01/1999 - All Sections

HB 216 Introduced by Pavlovich, et al. *LC1290 Drafter: MacMaster*

Allow Customers in Bars to Play the Game of Ping Pong Pavvy, in Which a Customer May Once Each Day Pay an Amount of Money Predetermined by the Establishment, but Not More than 50 Cents, in an Attempt to Win Merchandise or a Portion or All of a Pool of the Money Paid to Play the Game since the Game Was Last Won;...

1/06	Introduced and 1st Reading		
1/06	Referred to Business and Labor		
1/21	Hearing		
1/22	Committee Executive Action--Bill Passed as Amended	12	6
1/23	Committee Report--Bill Passed as Amended		
1/26	2nd Reading Passed	54	46
1/27	3rd Reading Failed	48	50
1/28	Reconsidered Previous Action on 3rd Reading	52	45
2/01	3rd Reading Failed	45	50

HB 217 Introduced by Rose *LC1345 Drafter: Stemberg*

Increase the License Fee for Applicants for Renewal of a License as a Commercial Feed Manufacturer or Distributor, If the Application Is Received Prior to January 1 of Each Year, to $50;...

12/22	Fiscal Note Needed		
1/06	Introduced and 1st Reading		
1/06	Referred to Agriculture		
1/19	Hearing		
1/27	Committee Executive Action--Bill Passed	18	2
1/27	Committee Report--Bill Passed		
2/02	2nd Reading Passed	88	12
2/03	3rd Reading Passed	82	18
	Transmitted to Senate		
2/04	Referred to Agriculture, Livestock and Irrigation		
2/10	Hearing		
	Died in Standing Committee		

HB 218 Introduced by Rose *LC1298 Drafter: Stemberg*

Increase the Initial License Fee for Facilities That Manufacture or Distribute Commercial Feed in or into Montana to $75;...

12/17	Fiscal Note Needed		
1/06	Introduced and 1st Reading		
1/06	Referred to Agriculture		
1/19	Hearing		
1/27	Committee Executive Action--Bill Passed	18	2
1/27	Committee Report--Bill Passed		
2/02	2nd Reading Passed	81	19
2/03	3rd Reading Passed	80	20
	Transmitted to Senate		
2/04	Referred to Agriculture, Livestock and Irrigation		

H BILL NO. 215

INTRODUCED BY Ewer Paul Clark
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF MOTION-TRACKING DEVICES WHILE HUNTING."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Restriction on use of motion-tracking device while hunting.** It is unlawful for a person, while hunting, to possess any motion-tracking device or mechanism designed to track the motion of a game animal and relay information on the animal's movement to the hunter.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 1].

- END -

INTRODUCED BILL
HB 215

HB 20 SPONSOR: Kitzenberg, Sam SHORT TITLE: Establish a multi-species fish hatchery near Fort Peck Dam
REFERRED ON: 12/21/1998 HEARD ON: 01/07/1999
EXECUTIVE ACTION: 01/22/1999 Bill Passed as Amended -- VOTE: 12 - 8
FINAL DISPOSITION 05/07/1999 Chapter Number Assigned

HB 26 SPONSOR: Kitzenberg, Sam SHORT TITLE: Warm water game fish stamp to support Fort Peck hatchery
REFERRED ON: 12/21/1998 HEARD ON: 01/07/1999
EXECUTIVE ACTION: 01/22/1999 Bill Passed as Amended -- VOTE: 14 - 6
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 40 SPONSOR: Kitzenberg, Sam SHORT TITLE: Require fish and game commissioners be elected rather than appointed
REFERRED ON: 12/21/1998 HEARD ON: 02/16/1999
TABLED ON: 02/18/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

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HB 93 SPONSOR: Pavlovich, Bob SHORT TITLE: Legion of valor fishing licenses
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 12/21/1998 HEARD ON: 01/12/1999
EXECUTIVE ACTION: 01/13/1999 Bill Passed -- VOTE: 19 - 1
FINAL DISPOSITION 03/02/1999 Chapter Number Assigned

HB 215 SPONSOR: Ewer, David SHORT TITLE: Prohibit the use of electronic motion tracking devices while hunting
REFERRED ON: 01/06/1999 HEARD ON: 01/14/1999
EXECUTIVE ACTION: 01/15/1999 Bill Passed as Amended -- VOTE: 15 - 5
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 224 SPONSOR: Kitzenberg, Sam SHORT TITLE: Create state park at Rock Creek campground
REFERRED ON: 01/07/1999 HEARD ON: 01/14/1999
TABLED ON: 02/11/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

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HB 225 SPONSOR: Kitzenberg, Sam SHORT TITLE: FWP directive and appropriation for Living Stream exhibit at Ft. Peck
REFERRED ON: 01/07/1999 HEARD ON: 01/14/1999
TABLED ON: 01/15/1999
FINAL DISPOSITION 03/26/1999 (H) Missed Deadline for Appropriation Bill Transmitt

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Committee Business Summary:

Hearing(s): HB 215, 1/14/1999
HB 224, 1/14/1999
HB 225, 1/14/1999

Executive Action: HB 215

HEARING ON HB 215

Sponsor: Rep. David Ewer
{Tape : 1; Side : A; Approx. Tape Counter : 29 - 71; Comments : tape counted by inches, not by time}

Proponents:
Rep. Paul Clark, House District 72
{Tape : 1; Side : A; Approx. Tape Counter : 74 - 120}

EXHIBIT(1)
EXHIBIT(2) EXHIBIT(3)

Len Kopec, Self
{Tape : 1; Side : A; Approx. Tape Counter : 121 - 158}

Jim Posewitz, Self
{Tape : 1; Side : A; Approx. Tape Counter : 161 - 186}

Van Jamenson, Montana Wildlife Federation
{Tape : 1; Side : A; Approx. Tape Counter : 188 - 204}

Jean Johnson, Montana Outfitters and Guides Association
{Tape : 1; Side : A; Approx. Tape Counter : 206 - 210}

Opponents: NONE

Informational Testimony:
Arnie Olson, Fish, Wildlife and Parks
{Tape : 1; Side : A; Approx. Tape Counter : 218 - 257}

EXHIBIT(4)

Questions from Committee Members and Responses:
{Tape : 1; Side : A; Approx. Tape Counter : 262 - 309}

Closing by Sponsor: Rep. David Ewer
{Tape : 1; Side : A; Approx. Tape Counter : 310 - 342}

HB 20 SPONSOR: Kitzenberg, Sam SHORT TITLE: Establish a multi-species fish hatchery near Fort Peck Dam
REFERRED ON: 02/02/1999 HEARD ON: 03/11/1999
EXECUTIVE ACTION: 03/24/1999 Bill Concurred as Amended -- VOTE: 12 - 0
FINAL DISPOSITION 05/07/1999 Chapter Number Assigned

HB 26 SPONSOR: Kitzenberg, Sam SHORT TITLE: Warm water game fish stamp to support Fort Peck hatchery
REFERRED ON: 02/02/1999 HEARD ON: 03/11/1999
TABLED ON: 03/24/1999
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 93 SPONSOR: Pavlovich, Bob SHORT TITLE: Legion of valor fishing licenses
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 01/27/1999 HEARD ON: 02/04/1999
EXECUTIVE ACTION: 02/05/1999 Bill Concurred -- VOTE: 10 - 0
FINAL DISPOSITION 03/02/1999 Chapter Number Assigned

HB 215 SPONSOR: Ewer, David SHORT TITLE: Prohibit the use of electronic motion tracking devices while hunting
REFERRED ON: 01/27/1999 HEARD ON: 03/02/1999
EXECUTIVE ACTION: 03/10/1999 Bill Concurred as Amended -- VOTE: 10 - 2
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 267 SPONSOR: Molnar, Brad SHORT TITLE: Separated and general B-7 hunting licenses may not be sold
REFERRED ON: 02/22/1999 HEARD ON: 03/23/1999
TABLED ON: 03/24/1999
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 314 SPONSOR: Raney, Bob SHORT TITLE: Revise and restrict park and fishing access maintenance and improvement
REFERRED ON: 02/22/1999 HEARD ON: 03/16/1999
EXECUTIVE ACTION: 03/24/1999 Bill Concurred as Amended -- VOTE: 7 - 5
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

been greater and would the structure of the relationship have included specific reference to the fisheries that are not there right now. **Mr. Olsen** said he could only speculate on the questions because it is in the past. The department has to have a willing landowner who is willing to make the fishing easement part of the negotiation. He couldn't say if the landowner would or would not have been interested in the easement. The bill would require the department to analyze streams and talk to the landowner about it.

{Tape : 1; Side : A; Approx. Time Counter : 9.1}

Closing by Sponsor:

REPRESENTATIVE BOB RANEY, HD 26, Livingston, said the first thing to remember this is all voluntary, no landowner is required to do this and the department is not required to do this. Most of the easements are for wildlife but the streams also benefit the big game such as birds. This also could be used to bring in other programs which have been developed over the years. The bill emphasis how we want to move toward protecting the native fish.

{Tape : 1; Side : A; Approx. Time Counter : 10.5}

HEARING ON HB 215

Sponsor: **REPRESENTATIVE DAVID EWER, HD 53, Helena**

Proponents: **Len Kopec, Helena**
David Brown, MT Bowhunters' Association
Van Jaminson, MT Wildlife Federation

Opponents: **Tim Ravndal, Townsend**

Opening Statement by Sponsor:

REPRESENTATIVE DAVID EWER, HD 53, Helena, explained why the bill was established. He entered an article from *Time* magazine, **EXHIBIT(3)**. He said the bill says ethical hunters do not use motion tracking devices as a matter of ethics and now as a matter of law. He also entered a suggested amendment by Representative Clark, **EXHIBIT(4)**. He is not sure the amendment is needed. There was some concern whether hunting dogs with tracking devices

on in order for their owner to keep track of them would be included under the bill. He believes the commission can take care of the issue but will leave the amendment up to the committee.

Proponents' Testimony:

Len Kopec, Helena, explained where he came up with the idea for the bill. He discussed an article he read on a motion tracking device used for hunting. He said the electronic equipment is not developed for hunters or by hunter, it is developed by marketers and advertisers for money. He commented on a letter from Pat Graham of the FWP. The letter said it is up to society to decide what is or is not appropriate technology to use while hunting. Since the invention of modern firing arms, there has not been much change in hunting. He listed electronic equipment hunters use while hunting. He said the equipment is bad for the ethics which are taught in the Fish and Games hunter education classes.

David Brown, MT Bowhunters' Association, said the association discussed the technology extensively and in result of their discussion they felt this issue needed to be addressed. The association supported HB 215 as drafted. They are concerned about ethical hunting techniques and technology. They are going to conduct a study because of the opinions on what is acceptable.

Van Jaminson, MT Wildlife Federation, said the association supports the bill for the reasons of promoting fair chase hunting and ethical hunting behavior.

{Tape : 1; Side : A; Approx. Time Counter : 18.0}

Opponents' Testimony:

Tim Ravndal, Townsend, said as written the bill has good intent and purpose. He supports the amendment to exclude hound recovery systems. He said the bill can be interpreted to include the recovery systems he uses. He said the hound recovery system is an electronic device but is not used in the fair chase of game. The device is used in the recovery of some valuable livestock.

Informational Testimony:

Arnie Olsen, FWP, entered written testimony, **EXHIBIT(5)**.

{Tape : 1; Side : A; Approx. Time Counter : 21.4}

Questions from Committee Members and Responses:

SENATOR WELLS referred to Section 1. He explained he uses threat across a trail to see where the deer are walking. He asked if the department would find it appropriate to add in the word "electronic" in describing the motion tracking devices. **Arnie Olsen** replied the legislature could provide whatever guidance to the commission which they think is appropriate. He said the department was going to use the commission as a forum to bring the public in and help decide what is inappropriate. He said the more the legislature restricts the bill, the easier it will be for the commission.

SENATOR CRISMORE asked about the night vision, if a hunter can use the device when they are not hunting. **Arnie Olsen** referred the question to a game warden who was present. **Mike Ottman, Game Warden**, said it is not against the law to use the devices for other recreation.

SENATOR EKEGREN asked what is a four-inch bolt that you would shoot. **David Brown** explained it is a four-inch bolt which has a broad head on the front of it and is made out of steel. The bolt does not need feathers on it. He said it is kind of a duplication to the cross bow.

SENATOR EKEGREN asked what the hunter did before monitors and if the monitor is used so the hunter does not lose the animal. **Tim Ravndal** said that is the main purpose of the device. He explained how he uses the device while hunting.

SENATOR EKEGREN asked if it is not feasible to say you hunt with certain kinds of weapons. The committee will be changing laws every two years to keep up with technology. **REPRESENTATIVE EWER** replied it could be a possibility for them to change the law every two years.

SENATOR BECK said he will put the amendment in the bill. The amendment does not hurt the bill and it will relieve the fears from the people using dogs to hunt. **REPRESENTATIVE EWER** supported the spirit of the bill.

SENATOR BECK asked when the bill was amended by in the House and it was said, "as defined by commission rules", he assumed there are no rules made up at the present time. **REPRESENTATIVE EWER** replied that is his understanding. He didn't know the protocal. He said there is precedent in the law to restrict certain activities.

SENATOR BECK said he understood in order to give someone the permission to make a rule that you had to give them rule making authority in some section of the bill. **REPRESENTATIVE EWER** referred the question to the FWP Department. **Arnie Olsen** said the commission already has the authority. The bill outlaws motion tracking devices but it makes the commission define what that means.

{Tape : 1; Side : A; Approx. Time Counter : 30.4}

Closing by Sponsor:

REPRESENTATIVE DAVID EWER, HD 53, Helena, referred to the article he submitted. He commented on the statement of the article which asked if children should hunt.

{Tape : 1; Side : A; Approx. Time Counter : 31.7; Comments : Hearing closed for HB 215.}

SENATOR BECK asked Representative David Ewer if he had anyone to sponsor the bill on the Senate Floor.

SENATOR WELLS volunteered to carry the bill on the Floor.